

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

BOOKER HOLLINS,	)	CASE NO. 1:11CV1452
	)	
	)	
PETITIONER,	)	JUDGE SARA LIOI
vs.	)	
	)	MEMORANDUM OPINION
	)	
FRANCISCO PINEDA,	)	
	)	
	)	
RESPONDENT..	)	

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the fourteen-day period has elapsed and no objections have been filed.<sup>1</sup> The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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<sup>1</sup> The record reflects that Petitioner was released from prison on August 6, 2011, at which time he began to serve a five-year term of post-release control. Following his release, Petitioner failed to advise the Court of his new address. Nonetheless, the Court was able to ascertain this information and cause a copy of the

The Court has reviewed the Magistrate Judge's report and recommendation and adopts the same. Accordingly, Respondent's motion to dismiss (Doc. No. 5) is granted, and this action is dismissed as time-barred.

**IT IS SO ORDERED.**

Dated: July 24, 2012

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**

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report and recommendation to be mailed to the new address.